

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,933

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Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for medicaid. The issue is whether the petitioner meets any of the categories of eligibility for that program.

FINDINGS OF FACT

The facts are not in dispute. The petitioner is twenty-two years old, single, and has no minor dependents. He works as a self-employed logger. In August, 1995, the petitioner was injured on the job when a tree hit him in the side of the head. He suffered a fractured skull and damage to his right eye. However, as of the date of the hearing, October 20, 1995, the petitioner had recovered sufficiently to return to work. Although there is some partial residual damage to his eye, the petitioner does not allege that he is unable to work. He filed an application for medicaid because he has no immediate means to pay the medical bills from his recent hospitalization.

ORDER

The Department's decision is affirmed.

REASONS

In order to be eligible for medicaid an individual must meet the eligibility requirements of either the ANFC or SSI programs--i.e., be a caretaker relative of a needy child or be age 65, blind, or disabled. Medicaid Manual § M115. Section M211.2 of the Medicaid Manual defines disability as follows:

Disability is the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, or combination of impairments, which can be expected to result in death or has lasted or can be expected to last for a continuous period of not fewer than twelve (12) months. To meet this definition, the applicant must have a severe impairment, which makes him/her unable to do his/her previous work or any other substantial gainful activity which exists in the national economy. To determine whether the client is able to do any other work, the client's residual functional capacity, age, education, and work experience is considered.

As noted above the petitioner does not allege that he meets any of the above criteria. Therefore, the Department's decision must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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